

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TENNESSEE, STATE OF  
TEXAS, STATE OF WASHINGTON, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S SUGGESTION  
OF SUBSEQUENTLY DECIDED  
AUTHORITY**

Pursuant to Local Rule 7.3(i), Plaintiff Federal Trade Commission hereby submits a suggestion of subsequently decided authority relevant to Defendants' Motions to Dismiss the Amended Complaint (Docs. 94, 99) and Plaintiffs' Response in Opposition thereto (Doc. 110).

The subsequently decided authority is *K & R Contractors, LLC v. Keene*, No. 20-2021, 2023 WL 7312503, at \*9-\*10 (4th Cir. Nov. 7, 2023) (holding that actions of a lawfully appointed executive officer are legitimate and enforceable regardless of whether removal protections are constitutional, except where there is an affirmative showing of harm resulting from the removal protections). It is attached hereto as Exhibit A.

Dated: November 20, 2023

Respectfully submitted,

/s/ James H. Weingarten

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